



Indiana Judicial Nominating Commission  
30 South Meridian Street  
Suite 500  
Indianapolis, IN 46204  
(317) 232-4706

**APPLICATION**  
**FOR THE**  
**COURT OF APPEALS OF INDIANA**

**Deadline – 12:00 p.m., April 27, 2015**

The application for the August 2015 vacancy in the Second District of the Court of Appeals of Indiana includes two parts. Both Part One and Part Two must be completed. Part Two *must* be provided separately as directed in the instructions. Answers in Part One and Part Two are a matter of public record and will be supplied to the media and public upon request. However, only answers in Part One may be posted online by the Indiana Judicial Nominating Commission.

**PART ONE, Sections 1 – 11**

1. Contact/General Information

A. Full legal name and any former names.

Gary Lee Miller

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

Tammy Jo Meyer, attorney, currently not employed

C. Business address, email, and telephone number.

W406 City County Building  
200 East Washington Street  
Indianapolis, Indiana 46204  
Gary.Miller@indy.gov  
317-327-7787

D. Attorney number.

9957-49

E. Month and year you were admitted to the Indiana Bar.

October 1980

a. Indicate current law license status, i.e. active/inactive/retired.

Active

b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date(s) of admission and current license status.

Not applicable

F. Date and place of birth.

November 1, 1956  
Indianapolis, Indiana

G. County of current residence and date you first became a resident.

Marion County since birth.

2. Secondary Education/Military Experience

A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when.

Indiana University, Bloomington, Indiana  
August 1974 - May 1977  
A.B. degree  
Freshman Honor Society, 1975

B. Include with your original application a certified transcript from each school named in Subsection 2A and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it ***before*** copying.)

See Tab A

- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).

Not applicable.

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when.

Robert H. McKinney Indiana University School of Law at Indianapolis

July 1977 - August 1980

Doctor of Jurisprudence

See transcript for grades and class rank

Coursework taken through the National Judicial College:

"Conducting the Trial", October 13 -18, 1991

"Children in Court", discussion leader, September 18 -23, 1994

"Advanced Evidence", March 10 -15, 1996

"Court Management for Judges and Court Administrators", September 15 - 20, 1996

"Handling Capital Cases", discussion leader, November 16 -21, 1997

"Forensic, Medical and Scientific Evidence", July 12 -17, 1998

"Constitutional Criminal Procedure", July 19 -23, 1999

Other coursework includes:

"Perspectives of Science", Federal Judicial Center, Cold Spring Harbor Laboratory, New York, October 14 - 24, 1997

"Legal Ethics: What Needs Fixing?" Hofstra University, New York, September 6, 2001

Bar Leadership Institute, American Bar Association, March 7 - 9, 2002

Public Policy Mediation Course, Indiana University McKinney School of  
Law Indianapolis, January 8 - 12, 2006

Indiana Judicial College, graduate, September 2013

“Enhancing Judicial Skills in Domestic Violence Cases”, National Council  
on Juvenile and Family Court Judges, Atlanta, Ga., October 2014

- B. Include with your original application a certified transcript from each school named in Subsection 3A and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

See Tab A

4. Employment

- A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment.

Marion County Municipal Court, Bailiff, July 1977 - December 1978

Marion County Circuit Court, Bailiff, January 1979 - May 1979

Marion County Prosecutor's Office, Certified Intern, May 1979 - October 1980

Marion County Prosecutor's Office, Deputy Prosecuting Attorney, October  
1980 - July 1983

Marion County Superior Court, Public Defender, Criminal Division, Room 3,  
July 1983 - December 1984

Hollingsworth Meek Miller and Tarvin, Associate then Partner, July 1983 -  
November 1989

State of Indiana, Judge *Protem*, special appointment by the Indiana Supreme  
Court, Marion County Superior Court, Civil Division, Room 6, November  
1989 - February 1990

Marion County Prosecutor's Office, Deputy Prosecuting Attorney, March 1990 -  
December 1990

Judge, Marion County Superior Court, Criminal Division, Room 5, January  
1991 - December 2000

Judge, Marion County Superior Court, Civil Division, Room 5, January 2001 - December 2008

MillerMeyer LLP, Founding Partner, January 2009 - January 2013

Senior Judge, appointment by the Indiana Supreme Court, pursuant to Indiana Administrative Rule 5, January 2009 - January 2013

Putnam County Circuit and Superior 1  
Johnson County Circuit and Superior 3  
Boone County Superior 1  
Shelby County Superior 1

Judge, Marion County Superior Court, Criminal Division, Room 21, January 2013 - December 2014

Judge, Marion County Superior Court, Civil Division, Room 3, January 2015 - present

- B. If applicable, describe the nature and extent of your practice of law (present and former) and provide the names of your partners, associates, office mates, and employers.

Marion County Prosecutor's Office, Deputy Prosecuting Attorney, October 1980-July 1983

As a direct result of my work as a law school intern, Steve Goldsmith, the elected Marion County Prosecutor, hired me as one of approximately 120 deputy prosecuting attorneys in the Marion County Prosecutor's Office. I rose through the ranks of assignments, including time in the Juvenile, Municipal, and Major Felony Divisions of the Courts. I was assigned a general criminal caseload beginning with attending initial hearing to trying jury cases. I also represented the State of Indiana in Peace Bond hearings in several small claims Courts. At various times, I shared office space with a number of Deputy Prosecutors and law clerks, including attorneys Doug Webber and David Walsh.

Marion County Superior Court, Public Defender, Criminal Division, Room 3, July 1983-December 1984

I was hired by Judge Charles Daugherty as a public defender in the Marion County Superior Court, Criminal Division, Room 3. I managed a part time caseload of 40-50 cases from initial hearing to jury trials.

Hollingsworth Meek Miller and Tarvin, Associate then Partner, July 1983-  
November 1989

Hollingsworth and Meek had a small general practice. In the course of my practice, I handled a caseload that included plaintiff's personal injury, collection matters for a Credit Union, criminal defense, and family law. In addition, I assisted my grandfather, William B. Miller, and his brother (my great uncle), Jacob S. Miller, in the wind down of their practice as Miller and Miller. I began as an associate with Hollingsworth and Meek in 1983 and became a partner in 1987. Other partners included J. David Hollingsworth, Danny Meek, and Lee Tarvin.

Judge *Protem*, special appointment by the Indiana Supreme Court, Marion County Superior Court, Civil Division, Room 6, November 1989 - February 1990

I was appointed by the Indiana Supreme Court to serve as a Judge Pro Tem for Judge Ed Madinger while he was on leave due to an illness. During this time, I managed the Court's pending caseload and supervised court staff. I handled family law final hearings and associated matters and tried a week long medical malpractice jury trial.

Marion County Prosecutor's Office, Deputy Prosecuting Attorney, March 1990-  
December 1990

I was hired by Steve Goldsmith to assist in training newly hired deputy prosecutors, including Mark Massa, Lance Hamner, and Lew Gregory. My duties included working with new prosecutors in the preparation of criminal cases and to assist them as a second chair while they prepared and tried jury cases.

MillerMeyer LLP, Founding Partner, January 2009 - January 2013

When I left the bench at the end of 2008, I formed the law firm of MillerMeyer LLP with my wife, Tammy J. Meyer. We developed a general litigation practice where I handled family law, criminal law, and plaintiff's personal injury cases. I also provided representation to lawyers and judges in disciplinary matters. I also served as a registered mediator and mediated more than 70 cases. When my partner became ill, I assumed her caseload including environmental insurance coverage cases and general insurance defense work. The firm was closed in January 2013 when I was appointed to the Marion Superior Court by Governor Mitch Daniels.

Senior Judge, appointment by the Indiana Supreme Court, pursuant to Indiana Administrative Rule 5, January 2009 - January 2013

I served as a Senior Judge in Johnson Circuit and Superior Court, Putnam Circuit and Superior Court, Shelby Superior Court 1, and Boone Superior Court 1. In this capacity I heard juvenile, criminal, civil, and small claims cases.

5. Trial/Judicial Experience

A. Describe the extent of your jury trial experience, if any.

As an intern during my third year in law school, I tried three jury trials in the Major Felony Division under the direct supervision of experienced deputy prosecutors. After I graduated, I took a full time position with the Marion County Prosecutor's Office where I tried more than 30 major felony cases by jury.

As a part-time public defender in Criminal Court 3, I tried 6 major felony jury cases in 18 months. In private practice with Hollingsworth Meek Miller and Tarvin, I tried one civil jury trial involving a small personal injury claim.

When I served as a Judge *Protem* in 1990, I presided over a week long medical malpractice jury trial.

As a trainer in the Marion County Prosecutor's Office in March 1990, I tried more than a dozen misdemeanor and D felony jury trials as second chair to newly hired Deputy Prosecutors.

Once elected as Judge in the Marion Superior Court, I heard approximately 350 major felony jury trials while assigned to Criminal Court 5. In January 2000, I moved to the Civil Division and presided over 25 civil jury trials, including a major contracts case that took six weeks to try.

I tried three jury trials in my tenure in Criminal Court 21, including D felony charges of Invasion of Privacy and Battery.

B. Describe the extent of your bench trial experience, if any.

As a deputy prosecutor, I participated in hundreds of bench trials in the juvenile, misdemeanor, D Felony, and major felony division of the Marion Superior Court. As a Judge in Criminal Court 5, I presided over dozens of major felony bench trials. Most major felony cases were tried by jury or resulted in a plea agreement.

I moved to the Civil Division in January of 2000. I tried dozens of cases by bench trial, including many family law cases. As a private practitioner, I tried a number of cases to completion before the bench, including final hearings in family law cases, as well as substantive and procedural hearings, including summary judgments.

- C. If applicable, describe the nature and extent of your judicial experience (including as a judge *pro tempore*). Include a description of your experience presiding over jury trials, if any.

See answers to A and B above

In addition to the items listed above, I served as a Judge *protem* in the Marion County Municipal Court on a number of occasions at the requests of individual judges when they had time off. I have also been named as a Special Judge under the Indiana Trial Rules in a number of cases. I have also served as a hearing officer in more than a dozen cases filed by the Indiana Supreme Court Disciplinary Commission. Some of the cases include:

*In Re Stern*, 11 N.E.3d 917 (Ind. 2014)

*In Re Dixon*, 994 N.E.2d 1129 (Ind. 2013)

*In re Rabb*, 763 N.E.2d 959 (Ind. 2002)

*In Re Maternowski*, 674 N.E.2d 1287 (Ind. 1996)

6. Professional Experience

***Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6A – 6C.***

- A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number, and filing date.

Meridian S.E.T., LLC v. Auditor of Marion County

49A02-1106-PL-482

Appellate brief, filed June 24, 2011

JK Harris and Company v. Sandlin

49A05-1003-CT-184

Appellate brief, filed September 1, 2010

See Tab B

In the Matter of Dixon,

71S00-1104-DI-196



Disciplinary Hearing Officer findings, filed January 25, 2013

State of Indiana ex. Rel. Indiana State Republican Central Committee  
49D050410-MI-001912  
Judicial Opinion, filed October 21, 2004

Woolley v. Washington Township of Marion County Small Claims Court  
49D05-0204-MI-00737  
Judicial Opinion, filed August 26, 2003

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter.

When the Marion County Municipal Court merged with the Superior Court, I, like a number of my colleagues, assisted in writing the administrative rules by which the merged court would operate. In the early 1990s, I was very involved in the creation of the original bail matrix for the major felony division. I played a minor role in reviewing the recommendations on the Model Code of Judicial Conduct for the National Conference of State Trial Judges.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

“Recent Developments in Indiana Criminal Law and Procedure”, *Indiana Law Review*, Vol. 28 No. 5, 1995

I co-authored a review of Indiana criminal law and procedure cases from 1994.

see Tab C

“Recent Developments in Indiana Criminal Law and Procedure”, *Indiana Law Review*, Vol. 31 No. 3, 1998

I co-authored a review of Indiana criminal law and procedure cases from 1997.

“Teachers, Mentors and Friends”, Guest message for the Indianapolis Bar Association that appeared in the *Indiana Lawyer*, February 17 - March 2, 1999

I wrote an article that encouraged experienced lawyers to become mentors to younger lawyers

“Civility in Your Briefs”, *Indiana Civil Litigation Review*, Vol. 1, No. 2, Fall 2002

I was invited to write an article for this journal regarding the lack of civility that appears in trial and appellate briefs.

See Tab D

“Lights, Camera, Action! Ethics Goes to Hollywood”, paper for presentation to the Transportation Lawyers of America, May 16, 2015

This paper accompanied my presentation to the TLA to comply with requirements for the granting of CLE credits. It is an example of the many written papers I have submitted to complement presentations.

See Tab E

- D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.

Steven Freeze v. State of Indiana  
491 N.E.2d 202 (Ind. 1986)

This case was the last case I tried as a Deputy Prosecutor in 1983. I was assigned the case as soon as it was filed. It involved a situation where Freeze broke into his former girlfriend’s apartment at the same time Bell was inside and armed with a rifle. A confrontation ensued, Bell’s rifle jammed, and Freeze shot Bell in the neck, causing Bell to be paralyzed for life. Once I received the file, I met with the family of the victim, Ed Bell, and his girlfriend, Debbie Hollifield. I played for them a 911 recording where we could hear the confrontation between the Ed and Freeze. Freeze was represented by noted Indianapolis criminal defense lawyer, Owen Mullin. It was a complex and difficult trial that took 4 long days. Freeze was convicted, served 30 years, and has since been released.

In preparing for trial, I became close to Ed, Debbie, and their families. After conviction, I remained friends with them. I attended their wedding in 1984 and remain in contact with them to this day. It is significant to me because of complexity of the trial and adapting to the tactics of a master tactician and because of the immense personal involvement that I had with the victims and their families. It serves as an important reminder to me that regardless of the outcome of a case, the victims (and clients) must leave the courtroom and lead their lives as best they can. Ed and Debbie have been through a lot in the last 30 years but they have pressed on and thrived.

Robert and Hazel Rozek v. American Family Mutual Insurance Company  
512 N.E.2d 232, (Ind.Ct. App. 1987)

While in private practice, I took over the representations of the Rozeks who were elderly clients of my great-uncle, Jake. The Rozeks had taken out a small medical insurance policy many years earlier and were denied coverage after making a claim. The trial judge granted summary judgment against the Rozeks. In my opinion, summary judgment was clearly not warranted. Outside the courtroom, the trial judge told me in the presence of opposing counsel that “your clients can’t afford to take it up on appeal”. I was unhappy with his comments and represented the Rozeks on appeal at no cost to them. Very shortly after receiving the reversal from the Court of Appeals, counsel for American Family offered the policy limits. This case was important to me because, like many, I became a lawyer to help people and I was unhappy with the attitude of the judge and did not appreciate him making a judicial decision for reasons other than the facts and the law.

John V. McElroy v. State of Indiana  
592 N.E.2d 726 (Ind. Ct. App. 1992)

John McElroy was one of four persons who broke into a dental office, confronted employees, and battered and raped an employee. I presided over the case less than 60 days after I assumed the bench in 1991. This case was the first case in Marion County where the State of Indiana attempted to use DNA evidence before a jury. The case took a week to try and the DNA evidence took two full days to present. The case has been cited by several Indiana Courts, as well the *Harvard Journal of Law and Technology* in an article entitled “DNA Evidence: Probability, Population Genetics, and the Courts”, 7 Harv. J. Law and Tec. 101 (1993) and in a book titled *The Prosecution and Defense of Sex Crimes*, Matthew Bender & Company, Inc., copyright 2006. This case was a very high profile case which taught me a lot about dealing with the media. In addition, it was an intellectually challenging case dealing with complicated and novel evidentiary and scientific issues.

Paula K. Willoughby v. State of Indiana  
660 N.E. 2d 570 (Ind. 1996)

Paula Willoughby, Kevin Spore, and Douglas Stueber were co-workers at an Indianapolis business. Willoughby began an extra-marital affair with Stueber. Paula Willoughby asked Stueber to kill her husband, Darrell Willoughby. Stueber talked with Spore in hopes of finding an assassin for hire. Spore agreed to kill Darrell for \$ 700.00. The trio devised a plan to kill Darrell in a drive-by shooting. Paula gave Stueber a list of family vehicles and license-plate numbers, and described the route which Darrell followed to work each morning. Stueber agreed to drive the vehicle and provide the weapon for the drive-by shooting.

Early in the morning of July 1, 1991, police were notified of a motorcycle accident occurring on Georgetown Road alongside the Indianapolis Motor Speedway. Officers arriving at the scene discovered that a motorcycle driven by Darrell had crashed into the Indianapolis Motor Speedway's Gate Six. Darrell had been killed by gunshot. Stueber entered into a plea agreement whereby he agreed to testify against Willoughby and Spore. After a mistrial in Marion County, the Case against Willoughby and Spore was tried in Bartholomew County. Willoughby was convicted while Spore was acquitted. I sentenced Willoughby to 110 years. The Indiana Supreme Court revised the sentence to 70 years. Years later, the Marion County Prosecutors Office and the defense agreed to release Willoughby early. This revision resulted in the prosecution and conviction of Chief Deputy David Wyser for bribery.

This case is significant to me for a number of reasons. First it was a high profile case involving multiple issues. The story was truly a soap opera. Second, the evidentiary issues, especially after the mistrial, were complicated and included parsing out statements between the parties before, after, and during the conspiracy. Third, the sentencing issue bothers me to this day. As a trial judge, I evaluated the case and while I accepted the decision to revise it, the revision did not meet what I considered to be the “manifestly unreasonable” standard of review of sentencing decisions. The rule has since been changed to allow greater latitude in the review of sentencings by the appellate courts.

Northrop Corporation, Northrop Aircraft Division, v. General Motors Corporation and Allison Engine Company, Inc.  
807 N.E.2d 70 (Ind. Ct. App.2004)

This case was more than 10 years old when I assumed jurisdiction of it when I took the bench in Civil Court 5. It had been supervised by four other judges and gone through one interlocutory appeal. It took up more than 4 file cabinets of pleadings, many which were under seal due to the top secret nature of the case. It was a complex contract case between the parties for specific parts to be manufactured by Allisons and used by Northrup in construction of a new stealth bomber. This case was noteworthy because of its complex contractual and scientific issues. It took 6 weeks to try by jury and resulted in a verdict in excess of \$80 million with interest.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

My efforts to improve the system and improve the law include speeches and presentations throughout Indiana and across the country, and teaching law students and young lawyers in the area of professional responsibility and trial skills. I rarely decline an opportunity to speak and if I do, it is because of a conflict with another commitment. In addition, my involvement in the Indiana State and Indianapolis Bar Associations comes from a deep commitment to the idea that an active Bar is essential to improving professionalism among its members and improving the public's understanding of the role of lawyers in the legal system.

For many years I have volunteered in a number of programs at the Law School, including Moot Court, Trial Practice, and Client Counselling.

As part of my desire to assist and improve the Bar, for a number of years I have conducted Character and Fitness interviews for those who submit applications for admission to the Indiana Bar.

Presentations include:

“Recent Criminal Law Legislation”, Indiana Judicial Center, June 1995

“Politics and the Courts”, IUPUI School of Environmental Affairs, February 1995

“Legal Implications of Teen Court Programs”, American Probation and Parole Association, National Conference in Indianapolis, March 1995

“Ethics for Public Defenders”, Marion County Public Defender's Office CLE program, December 1998

“Practical Ethics for Public Defenders”, Marion County Public Defender's Office, October 1998

“Ethics at Trial: Great Technique or Improper Behavior that Violates the Rules?”, Marion County Public Defender's Office, July 29, 1999

“Ethics for Hearing Officers”, Indiana Department of Education in-service for special education hearing officers, October 28, 1999

“Judicial Ethics”, Seminar for Magistrates and Commissioners of the Marion Superior Court, December 7, 1999

“Hooray for Hollywood??: 50 Years of Civility in Television and Film” Indianapolis Bar Association, Bench-Bar Conference, July 21, 2000

Indianapolis Bar Association, Ethics Seminar, November 1, 2000

Second Annual Wills, Trusts and Ethics Seminar, Vincennes University,  
December 8, 2000

“Character and Fitness”, Mid-West Regional Academic Retreat, Black Law  
Students Association, Indianapolis, Indiana September 16, 2000

“Cinematic Portrayal of Courtroom Conduct and Control”, Annual State  
Conference, Indiana Judicial Center, September 20, 2000

“Hooray for Hollywood: Civility in Film and TV”, Commercial Law League  
of America, Chicago, Illinois, April 28, 2001

“Ethics for Criminal Defense Practitioners”, Marion County Public Defender  
Agency, Indianapolis, October 8, 2001

“Hooray for Hollywood: Civility in Film and TV”, 15th Annual Medical  
Device Seminar, Whistler, British Columbia, Canada, June 20, 2002

“The Duty to Disclose”, Marion County Public Defender Agency, October 8,  
2002

“Hooray for Hollywood: Civility in Film and TV”, Bingham McHale  
litigation section, October 9, 2002

“Hooray for Hollywood: Civility in Film and TV”, Indianapolis Bar  
Association, Applied Professionalism Course, November 6, 2002

“The New Indiana Jury Rules”, Marion County Public Defender Agency,  
November 12, 2002

“Hooray for Hollywood: Civility in Film and TV”, Indianapolis Bar  
Association, Applied Professionalism Course, December 19, 2002

“The Ethics of Direct Examination and Cross Examination”, Indiana Trial  
Lawyers Association, December 20, 2002

“Hooray for Hollywood: Civility in Film and TV”, Indiana State Bar  
Association, Women’s Bench/Bar Conference, February 22, 2003

“Focus on Legal Ethics”, Indianapolis Bar Association, November 13, 2003

“Lawyer Civility in TV and Film”, Transportation Lawyers of America,  
Palm Beach, Florida, June 1, 2004

“Advanced Cross Examination Techniques”, Indianapolis Bar Association, September 1, 2004

“Mastering Cross Examination”, Marion County Public Defender’s Agency, September 29, 2004

“Trial Evidence”, ICLEF, December 9, 2004

“Women Lawyers in TV and Film”, Women’s Bench Bar Conference, ISBA, March 4, 2005

“Lawyer Civility in TV and Film”, Rookie Seminar, Defense Trial Counsel of Indiana, April 20, 2005

“How to Be An Effective Advocate and Remain Civil”, Indianapolis Bar Association, October 12, 2005

“Can I Do That? The Ethics of Witness Preparation”, Indianapolis Bar Association, November 2, 2005

“Can I Do That? The Ethics of Witness Preparation” Marion County Public Defender’s Agency, November 18, 2005

“Lawyer Civility in TV and Film”, Defense Research Institute, Las Vegas, Nevada, February 8, 2006

“Can I Do That? The Ethics of Witness Preparation”, Transportation Lawyers of America, Orlando, FL, May 19, 2006

“Hooray For Hollywood?: Lawyer Civility in TV and Film”, Ohio Association of Civil Trial Attorneys, Columbus, Ohio, December 1, 2006

“Can I Do That? The Ethics of Witness Preparation”, Indiana Trial Lawyers Association, Last Chance Seminar, Indianapolis, Indiana, December 8, 2006

“Lawyer Civility”, Bar Association of Metropolitan St. Louis, Annual Corporate Counsel Meeting, May 8, 2008

“Can I Do That? The Ethics of Witness Preparation”, Medmarc Insurance Seminar, Hot Springs, Virginia, June 12, 2008

“Secrets and Lies: Lawyer Civility in TV and Film”, International Society of Primerus Law Firms, Tucson, Arizona, April 24, 2009

“Control in the Courtroom: Judges, Lawyers and Civility”, Transportation Lawyers Association, Carlsbad, California, May 1, 2009

“Civility and Professionalism: What’s It Really All About?”, ICLEF, Applied Professionalism, October 30, 2012

“Ethics Matter”, Defense Research Institute, National Webinar, Chicago, IL, November 13, 2012

“Ethics Gone Wild: Civility and Professionalism in the Court Room”, Indiana State Bar Association, Solo and Small Firm Conference, June 7, 2013

“The Ethics of Direct and Cross Examination”, Indiana State Bar Association, Solo and Small Firm Conference, June 8, 2013

“Civility and Professionalism: What’s It Really All About?” ICLEF, Applied Professionalism, October 30, 2013

“Ethics Lessons I Learned From Mi Familia”, Indianapolis Bar Association Bench-Bar Conference, June 21, 2014

“The Many Faces of Civility: How We Can Improve the Profession”, Indianapolis Bar Association, September 25, 2014.

“Hooray For Hollywood?: Lawyer Civility in TV and Film”, Evansville Bar Association, French Lick, October 17, 2014

“Civility and Professionalism: What’s It Really All About?”, ICLEF, Applied Professionalism, October 24, 2014

“Ethics Issues Every DV Lawyer Needs To Know”, Neighborhood Christian Legal Clinic, December 1, 2014

“Ethical Pitfalls For Government Lawyers”, Indianapolis Bar Association, December 8, 2014

I served as a moderator in the following:

“Criminal Courts and Procedure”, New Judges Orientation, Indiana Judicial Center, February 1995

“Indiana Rules of Evidence”, Indiana Judicial Center, April 1996



“The Death Penalty in Indiana”, Annual Conference of the Indiana Judicial Center, September 1998

“Criminal Courts and Procedure”, New Judges Orientation, Indiana Judicial Center, January 1999

”Issues in Jury Management and Trial Administration”, Workshop for Indiana Judicial Center, April 29, 1999

“Judicial Ethics and Professionalism”, Indiana Judicial Center Conference for City and Town Judges, November 16, 1999

“Managing the Criminal Caseload and Docket”, New Judges Orientation, Indiana Judicial Center, January 2001

“To Intervene or Not to Intervene- THAT is the Question”, Indiana Judicial Center, Annual Conference, September 14, 2001

“Civil Judges Forum: Best Practices”, National Business Institute, September 25, 2009

I served as a panelist in the following:

“Judges and the Media”, Annual Conference of the Indiana Judicial Center, September 1995

“Case Management”, Annual Bench-Bar Conference, Indiana State Bar Association, April 1996

“Innovative Media Programs Being Done in Indiana”, Indiana Judicial Center, April 1997

“Criminal Law Forum”, Indiana Judicial Center, September 1997

“Managing the Criminal Caseload and Docket”, New Judges Orientation, Indiana Judicial Center, January 28, 1999

“Dealing With the Difficult Lawyer and Judge”, Indiana Judicial Center/ Indiana State Bar Association Bench-Bar Conference, September 1999

“Top 10 Mistakes Young Lawyers Make in Discovery”, Indiana Continuing Legal Education Foundation, November 12, 1999

“An Ethical Free Lunch”, Professional Responsibility Section of the Indianapolis Bar Association, November 1, 2000

“Expert Testimony in the Age of Daubert and Wrongful Death in Indiana”,  
Litigation Section of the Indianapolis Bar Association, October 12, 2000

“Legal Ethics for Litigators”, ICLEF, December 28, 2000

“Legal Ethics”, Phi Delta Phi, Indiana University School of Law at  
Indianapolis, March 8, 2001

“Meet the Judges, Magistrates and Commissioners”, Indianapolis Bar  
Association, August 29, 2001

“An Evening With the Judges”, ICLEF, September 6, 2001.

“State and Federal Civil Procedure”, ICLEF, November 1, 2001.

“Litigation Skills for Legal Staff in Indiana”, Lorman Education Services,  
December 5, 2001.

“The New Indiana Jury Rules”, Indianapolis Bar Association, July 15, 2002

“Ethics and Professional Responsibility”, Indiana Law Update, ICLEF,  
September 19, 2002

“The New Indiana Jury Rules”, ICLEF, September 25, 2002

“Top Ten Litigation Tips for Young Lawyers: What Every Judge Wants You  
to Know”, Indianapolis Bar Association, October 10, 2002

“Jeopardy for Public Defenders”, Marion County Public Defender Agency,  
October 14, 2002

“The New Indiana Jury Rules”, Indiana Trial Lawyers Association,  
December 20, 2002

“Ethics of Using Paralegals”, Indianapolis Bar Association, May 20, 2003

“Practice Skills Summit”, ICLEF, November 19, 2003

“General Discovery Issues for Judges”, Indiana Judicial Conference, April  
22, 2004

“Litigators Trilogy”, ICLEF, May 21, 2004

“Civil Discovery: The Tough Issues Argued”, ICLEF, October 19, 2004

“Ethical Considerations of the Judges and Lawyers Assistance Program”, Marion Superior Court, November 9, 2004

“Applied Professionalism and Ethics”, Marion County Public Defender Agency, November 11, 2004

“Indiana Trial Courts”, Bar Leader Series, Indianapolis Bar Association, December 14, 2004

“Legal Ethics in Indiana”, National Business Institute, Inc., December 20, 2005

“Litigation Skills for Legal Staff in Indiana”, Lorman Education Services, July 6, 2006

“Ethical Considerations in Campaigning for Judicial Office”, Indianapolis Bar Association, August 16, 2006

“Direct and Cross Examination Skills for Litigators”, National Business Institute, November 17, 2006

“Managing Ethical Issues in Your Day-to-Day Practice” National Business Institute, December 8, 2006

“Direct and Cross Examination Skills for Litigators” National Business Institute, October 25, 2007

“Behind the Scenes of a Civil Trial”, ICLEF, December 19, 2007

“60 Minutes to a Better Motions Practice”, Indianapolis Bar Association, January 29, 2008

“60 Minutes to a Better Voir Dire”, Indianapolis Bar Association, February 26, 2008

“60 Minutes to a Better Opening Statement”, Indianapolis Bar Association, April 29, 2008

“60 Minutes to a Better Direct Examination”, Indianapolis Bar Association, May 27, 2008

“60 Minutes to a Better Cross Examination”, Indianapolis Bar Association, June 24, 2008

"Effectively Handling Gender Bias", Indiana Trial Lawyers Association ,  
August 22, 2008

"60 Minutes to Better Objections", Indianapolis Bar Association, August 26,  
2008

"Evidence and Expert Testimony Best Practices: Supporting Your Case",  
National Business Institute, August 27, 2008

"Medical Malpractice: Keys to Pretrial Success", National Business Institute,  
September 22, 2009

"Litigating to Win Through Advanced Trial Advocacy", National Business  
Institute, December 10, 2009

"Ethics Matters", Defense Research Institute, National Webinar, Chicago,  
IL, November 13, 2012

"The Marion County Domestic Violence Courts", Domestic Violence  
Network, Indianapolis, May 7, 2013

"Trial Tips for the Young Lawyer", Young Lawyers Division, American Bar  
Association, Snowmass CO, January 30, 2015

"Criminal Law and Professional Responsibility: A Criminal Attorney's  
Ethical Obligations", The Professional Responsibility Association and the  
Criminal Law Association at the Robert H. McKinney School of Law, April  
13, 2015

- B. Describe your efforts, achievements, or contributions (including written work,  
speeches, or presentations) concerning civic, political, or social issues.

Please see Section A above.

In 1994, 1995, and 1996 I chaired the Broad Ripple Art Fair, a major  
fundraising effort for the Indianapolis Art Center. As chair, I coordinated all  
committee activity including artist selection, vendors, logistics, and volunteers.

Prior to taking the bench, I was active in Marion County Republican  
politics as a precinct committeeman and Ward Chairman.

I served as Presiding Judge of the Criminal Division, Marion Superior  
Court from January 1995 to December 1995 and Presiding Judge of the Criminal  
Division of the new unified Marion Superior Court from January 1996 to  
December 1997. I was the single judicial liaison between the Courts and the

Probation Department from 1994 to 1997. From January 2007 to December of 2008, I was elected to the Executive Committee of the Marion County Superior Courts and served as Associate Presiding Judge.

- C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service.

In the early 1990s, I became involved with the Teen Court Program run by Reach For Youth. One of my paralegal students worked at RFY and asked me to participate. Teen Court is a program designed to reduce recidivism of young people by taking referrals from juvenile court and having the participants appear before a “jury” of their peers. Former participants served as prosecutors, defense lawyers and the jury. The “jury” heard the evidence and recommended a penalty with certain ranges. I designed a script and trial outline that was used for many years. Once a month I served as judge and continued for almost two years.

From January 1994 to 1998, I hosted and produced a television program on government WCTY Channel 16 called “Scales of Justice”. Every other week, I had different lawyers and judges on the program to discuss legal matters, some of which included topics of family law, jury duty, and traffic court. This was a public service program designed to educate the public about legal issues.

While in private practice I became involved with the Humane Society of Indianapolis. MillerMeyer LLP became a sponsor of many of their events, including Mutt Strut and Ales for Tails. We assisted a number of people with animal rights issues who were referred to us by HSI contacts.

In 2010, I was contacted by Patty Spitler, former entertainment reporter for WISH TV, to participate in a sponsored segment on a TV show she produced called “Pet Pals TV”. My role was to provide public service information regarding pet and animal issues such as the legal liability of exotic pets, and what to do if your animal bites another person. I recorded more than 20 such segments which aired on local television and which were posted online.

I have been involved with the Equal Justice Works program at the law school for several years. The purpose is to promote public interest among students seeking a career in public interest law. I serve on the annual dinner committee which is charged with finding keynote speakers and recognizing deserving alumni who contribute to public interest law.

- D. Describe the nature and extent of any *pro bono* legal services you have contributed.

As described in the *Rozek* case above, I handled the appeal without fee. In private practice, I handled a number of cases like this when I determined persons needed legal services and could not afford to pay legal fees. As a teacher and judicial officer, I encourage law students and practitioners to take *pro bono* cases. On occasion, I have asked lawyers to take a specific case *pro bono*.

- E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

Adjunct Professor, Indiana University McKinney School of Law at Indianapolis  
Trial Practice, Fall 1992 - 2006  
Professional Responsibility, Spring 1998 - present  
The Legal Profession, seminar, Spring 2010

Instructor, Indiana University- Purdue University at Indianapolis, Paralegal Studies  
Criminal Law, Fall 1991 - Spring 1999  
Torts, Summer 1991  
Evidence, Summer 1997

Instructor, Indiana Bar Review, Criminal Law, June 2000

Instructor, Indiana Bar Review, Multistate Professional Responsibility Exam, July 2000

Instructor, Indiana Bar Review, Multistate Bar Exam, Criminal Law and Procedure January and July 2001

Instructor, Indiana Trial Advocacy College, ICLEF, 2003 - 2009

#### Memberships and Other Activities

- A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indianapolis Bar Association  
Chair, Criminal Justice Section, 1991 - 1993  
Member, Litigation Section Executive Committee, 1995 - 2004  
Member, Bench-Bar Committee, 1995 - 2002  
Member, Continuing Legal Education Committee, 1996 - 1998  
Board of Managers, 1996 - 2000  
Vice President, 1999  
First Vice President, 2001  
Chair, Membership Retention and Recruitment Task Force, 2001

President-Elect, 2002  
President, 2003

Indianapolis Bar Foundation

Board member, 2004 - 2009  
Distinguished Fellow, 2001 - present  
Golf Events committee, 2005 - 2008  
Scholarship Committee, 2006 - 2008  
Senior Fellow, 2012

Indiana State Bar Association

Committee on Legal Education and Admission to the Bar, 2000 - present  
Delegate to State Convention, 2000 - present  
Distinguished Fellow, 2003 - present  
Ad Hoc Committee on Professionalism, 2004 - 2007  
House of Delegates Nominating Committee 2009

Indiana University McKinney School of Law at Indianapolis Alumni Association

Board Member, 1993 - 2011  
Treasurer, 1998 - 1999  
President-Elect, 1999 - 2000  
Nominating Committee, 1998 - 2003  
President, 2000 - 2001  
Law Student Relations Committee, 2004 - 2010  
Emeritus member, 2011 - present

American Judges Association, 1991 - 2008, 2013 - present

Judicial Conference of Indiana

Probation Committee 1991 - 2000  
Civil Benchbook Committee 2001 - 2008  
Civil Jury Instructions Committee, 2014 - 2015  
Board member, 2006 - 2008, 2014 - present

Indiana Judges Association, 1991 - present

American Bar Association

Center for Professional Responsibility, 2003 - present  
Gavel Awards Committee, 2004 - 2008  
National Conference of State Trial Judges  
Committee on Ethics and Professionalism, 2005 - 2008

- B. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Southside Youth Council, Inc., member of Advisory Board, 1994 – 1997

The SYC is an organization that helps youths by providing counselling, mentoring, and alternative programming to those from single-parent or overburdened families who cannot obtain services from other sources. I worked directly with the Teen Court program and coordinated volunteer lawyers and judges.

Indianapolis Art Center, Member of the Board of Directors, 1997 - 2004  
Chair, Broad Ripple Art Fair, 1994, 1995, 1996

The IAC is a community art facility that provides interactive art education, outreach to underserved audiences, support of artists, and exposure to the visual arts through classes and exhibitions.

Civil Liberties Union of Indiana, member, 1998 - present

The ICLU is an organization that defends individual rights and liberties under the U.S. and Indiana State constitutions.

Judges and Lawyers Assistance Program, Appointment of the Indiana Supreme Court, 2003 - 2005

The Indiana Judges and Lawyers Assistance Program provides assistance to judges, lawyers, and law students who may experience physical or mental impairments that result from disease, chemical dependency, mental health problems, or age and that could impair their ability to practice in a competent and professional manner.

Indiana Code Revision Commission, appointment by the Pro Tem President of the Indiana Senate and Speaker of the Indiana House, 2012 - present

By statute, the Commission serves as an advisory body to the Legislative Council and assists the Council in developing the standards for the codification and revision of statutes passed by the General Assembly and to make those statutes clear, concise, and easy to interpret and to apply.

- C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.



I am currently a member of each of 9 Township GOP clubs in Marion County as well as the GOP Chairman's Club. I am a member of the Indianapolis Art Center, the Indianapolis Zoo, the Indiana Civil Liberties Union and the Antelope Club. None of these organizations restrict membership based on race, sex, religion, national origin, or gender identity.

D. Describe your hobbies and other leisure activities.

I am an avid reader of biographies, science fiction, and murder mysteries. I have season tickets to the Indianapolis Indians and am an IU basketball fan. I collect TV episodes and films about lawyers. My wife and I like to travel.

8. Legal Proceedings

- A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved [i.e. an adoption], use initials only.)

In Re the Marriage of Rebecca Miller and Gary Miller  
80C01-9103-DR-000061  
Filed January 1991  
Dissolution of marriage

In Re the Marriage of Suzette Miller and Gary Miller  
41D02-9403-CT-000250  
Filed January 1996  
Dissolution of marriage

There have been several cases filed against me in the Federal Court as a result of actions taken as a judicial officer in the Superior Court. None of these were filed against me personally and all included multiple parties. They were immediately referred to the Office of Corporate Counsel for Marion County or the Indiana Attorney General's Office. To my knowledge all have been dismissed and none are pending. I did not keep track of these cases.

- B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

Not applicable.

- C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

Not applicable.

- D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None.

## 9. References

- A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Court of Appeals of Indiana (contact information to be included in Part Two of this application).

Mr. James Voyles  
Mr. Robert Hill  
Hon. Mark Stoner

- B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

Ms. Julie Armstrong  
Dean Andrew Klein  
Hon. K. Mark Loyd

- C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

Mr. Jeff Bercovitz  
Mr. Benton Marks  
Mr. Don Brown

10. State Police Release Form and Photograph

- A. Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.

The release is attached as Tab F

- B. Attach a recent photograph of you to the front of the original application and to each copy of your application.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT'S SIGNATURE

Gary L. Miller

\_\_\_\_\_  
PRINTED NAME